

PUBLIC SESSION MINUTES
North Carolina State Board of CPA Examiners
June 21, 2005
1101 Oberlin Road
Raleigh, NC 27605

MEMBERS ATTENDING: Leonard W. Jones, CPA, President; Arthur M. Winstead, Jr., CPA, Vice President; Norwood G. Clark, Jr., CPA; Tyrone Y. Cox, CPA; Thurman L. Gause; and Michael C. Jordan, CPA.

STAFF ATTENDING: Robert N. Brooks, Executive Director; J. Michael Barham, CPA, Deputy Director; Lisa R. Hearne, Manager-Communications; Ann J. Hinkle, Manager-Professional Standards; Buck Winslow, Manager-Licensing; and Noel L. Allen, Legal Counsel.

GUESTS: James T. Ahler, Executive Director, NCACPA; Tom Chenoweth, CPA, Highland Publishing Company; and Curt Lee, Past President, NCSA.

CALL TO ORDER: President Jones called the meeting to order at 10:02 a.m.

MINUTES: The minutes of the May 16, 2005, meeting were approved as submitted.

FINANCIAL AND BUDGETARY ITEMS: The financial statements for May 2005 were accepted as submitted.

Messrs. Jones and Jordan moved to approve the investment of \$300,000.00 at Capital Bank for 12 months at 3.8%; \$300,000.00 at RBC Centura for 24 months at 4.13%; and \$300,000.00 at BB&T for 36 months at 4.25%. Motion passed.

LEGISLATIVE AND RULE-MAKING ITEMS: Messrs. Jordan and Gause moved to approve a rule-making hearing for September 22, 2005. Motion passed.

NATIONAL ORGANIZATION ITEMS: President Jones reported on the NASBA Regional Meeting held June 8-10, 2005, in Baltimore, MD.

Mr. Clark reported on the AICPA Spring Council Meeting held May 22-24, 2005, in Washington, DC.

STATE AND LOCAL ORGANIZATION ITEMS: The Board reviewed and approved a four-hour self-study ethics CPE course from Accountants Education Group and a two-hour group study ethics CPE course from Leveraged Logic. The Board reviewed and disapproved an ethics CPE course from the Gould Killian CPA Group, P.A.

REPORT OF THE PROFESSIONAL STANDARDS COMMITTEE: Mr. Winstead moved and the Board approved the following recommendations of the Committee:

200309-045 - Approve the Notice of Hearing for August 22, 2005, at 10:00 a.m.

Messrs. Jordan and Clark moved to approve the Consent Order with Tom David Eilers, Case No. 200503-026. Motion passed with six (6) affirmative and zero (0) negative votes (Appendix I).

REPORT OF THE PROFESSIONAL EDUCATION AND APPLICATIONS COMMITTEE: Mr. Gause moved and the Board approved the following recommendations of the Committee:

Transfer of Grades Applications - The application submitted by Sally Deane Williams was approved.

Original Certificate Applications - The application submitted by Sally Deane Williams was approved.

Reciprocal Certificate Applications - The following were approved:

Martin J. Halloran
Curtis Robert Reinhart
Henry G. Zigtema

Temporary Permits - The following temporary permits were approved by the Executive Director and ratified by the Board:

Lisa Renee Barreca T03252
Andrew Patrick Burns T03253
Jamin Russell Jenkins T03254
Jean Rowland Keith T03255
Mark Bradley Lovett II T03256
Kenda Lee Monroe T03257
Linda Logan Poulson T03258
Jason Robert O'Neil T03259
Fahima Munir Rahimi T03260
Jessica Lynn Santucci T03261
Katherine M. Sharpee T03262
Stephen Paul Snyder T03263
Jamie Lee Cehelsky T03265
Nancy L. Cockrell T03266
Tammy Lee Edmonds T03267
Denise Renee Haga T03268

Heyward Hydrick Harden T03269
John Robert Hattle T03270
Steven J. Johnston T03271
Susan Elizabeth Monks T03272
Frederick James Bauer T03273
Stephanie Michelle Bradshaw T03274
Kevin Dunne T03275
Jonathan Michael Fabian T03276
William Ellis Honeycutt T03277
Sheetal Vyas Jenkins T03278
Denise Sarah Johnson T03279
Timothy John Parker T03280
Ron Jay Schwartz T03281
Patrick A. Walsh T03283
John R. Wheeler T03284

The Committee reviewed the temporary permit/reciprocal certificate application submitted by Owen Michael Cavanaugh. Mr. Cavanaugh submitted information regarding a misdemeanor charge and conviction for assault on a female. The Committee approved issuance of the temporary permit.

Firm Registrations - The following professional corporations, professional limited liability companies, and limited liability partnerships were approved by the Executive Director and ratified by the Board:

BAUKNIGHT PIETRAS & STORMER, P.A.
BURZENSKI & COMPANY, P.C.
CITRIN COOPERMAN & COMPANY, LLP
DELOACH & WILLIAMSON, L.L.P.
FITE, STABLER & FURRH, P.C.
HENSON & MCCOTTER, CPA's, PA
H. Hank Hurd, CPA, P.L.L.C.
David Love, CPA, PLLC
CARL A. MARGENAU, CPA, P.A.

Jeff Minor CPA, PC
NEWTON, GREENE & ASSOCIATES,
PLLC
ORTH, CHAKLER, MURNANE &
COMPANY, CPAS, P.A.
IRA SILVER, C.P.A., PA
JAMES M. SKIDMORE JR. C.P.A., P.A.
Tyndall Stroud CPAs, P.C.

Reclassifications - The Committee approved the following requests for retired status because the individuals are completely retired and do not receive any earned compensation for current personal services in any job whatsoever:

James Edward Carter #3171
James Millard Little #14895
Stanton E. Smith Jr. #2571
Eugene Craven Speight #3000

Oliver Rendal Walters Jr. #4180
Clarence David Wiles #7992
Walter G. Williard #14769
Spence Lee Wise #12962

CPE Matters - The Committee reviewed and approved ethics courses from the organizations listed below:

Accountants Education Group
Leveraged Logic

The Committee disapproved an ethics course submitted by Gould Killian CPA Group P.A. because it was too generic in nature and not sufficiently North Carolina specific.

Extension Requests - The Committee disapproved the following individuals for extension for completion of CPE:

Lee Edward Sanders #9016
Bonnie S. Neel #26824

Examinations - The Committee reviewed and approved the following staff-approved applicants to sit for the Uniform CPA Examination:

Russell Glenn Allen
Oranous Tavoosi Amini
Jibolu Gbadebo Ayodele
James William Baley
Robert Louis Ball Jr
Candice Nichole Bennett
Robert Thomas Borbet
Arvel Doran Bowers
Karen I. Boyles
Nathaniel Branscomb
Heidi Samantha Braswell
Kendra Leslie Brewer
Jaime L. Brown
James C. Buck III
Joy Renee Butner
Trevor H.C. Bynoe
Karen Lea Byrd
Kimberly Lynn Byrd
Sherrie Taylor Byrd
Kimberly Renee Carland
Nichole Michelle Cayton
John Russell Chirokas
Colin Christopher Christie
Eric Bryce Clements
Adam Gray Cook
Sierra Michelle Cooley
Curtis J. Cortes
Stephanie Michelle Couch
Jason Paul Crabtree
Martha Slavinski Crabtree
Ellen Kathleen Daube
Henry Jesse Day II
Karen Kuwalik Dillon
Nhung Lily Do
Patrick Keith Donegan
Melissa Louise Doran
Kimberly Flake Dudley
Kathryn Kinlaw Duncan
Julie L. Duriga

Bridgett Anne Earnhardt
Spencer L. Eckard
Patricia Anne Eifler
Shanna Rachelle Farmer
Heather Marie Farrell
David William Fisher
Lawrence Fred Fisher
Karanda Velvet Fletcher
Raymond Foti Jr
Christelle Faulkner Garrett
William Davis Garrett
Hilary Brooke Gaskill
Matthew Philip Gilbert
Ana Gonzalez Garcia
Christine Elaine Gordon
Christopher Scott Gouch
Diane Kathleen Grabowski
Carolyn Diane Green
Deborah Reed Greer
Mary Neil Hall
Andrew Clingman Harmon
Hugh Brantley Harrell
Celina Marie Henderson
Judith Ann Hernandez
Brandon S. Higashi
Olivia Kaye Hill
Eric M. Hinson
Tina Renee Honeycutt
Karen Michelle Howard
Justin Cheng Hsu
Stella Shiu Ming Hu
Linc Miller Huffman
Danielle Smith Job
Britta Gail Johnson
William Scott Jones
David C. Kim
Gene Sejin Kim
Simran Hemant Lakhiani
Meagan Elizabeth Langdon

Anna Virginia Lavelle
Percy Bethel Lawson
Austin Keith Lee
Kathleen Dianne Leopard
Brennan Leslie Liming
Isaiah Zeph Lincoln
Matthew Campbell Litz
Christopher Ryan Loehr
Allison Lea Love
Nga Quynh Ly
Suzanne Elizabeth MacVicar
Mark Gibson Maffett
Sandi Leigh Matthews
Sharon Lynn Matthews
Tiffany Monique Mayers
David Glenn Mayes
Brian Labhart McCoy
Thomas Daniele Monte
Gwen Burchette Moore
Jessica Breeden Moran
Mary Diane Morrison
Tonisha Hinton Mozelle
Jean Marshall Murray
Virelkumar Kantilal Naik
Kristen Elizabeth Nickle
Brandon Michael Nishnick
Russell Benjamin Norris
Andrew Joseph Novak
Todd Williams Nunn
Jin Oak Park
Jamie Lee Parsons
Kirtida Ajitkumar Patel
Shilpa Girishbhai Patel
John Samuel Patterson
William Ronald Perrault
Kirsten Emily Pollock
Jamie Riner Pope
William Markland Porter
Angela Mains Powell
Ramsey Winant Price
Brandi Lynne Privette
Jennifer Robinson Queen
Jesse Thomas Rawls III

Paul Joseph Reel
Traci Paulette Rhyne
Heather Richter
Michael William Roberts
Russell S. Rutland
Virginia Anne Seippel
Chetan Yajaman Shankar
Kavita Shankar
Jennifer Deanna Shankle
Michael D. Sieman
Laura Mills Sloop
Andrew Douglas Smith
Evan Spencer Smith
Terry Lee Smith
Shawn Kevin Smitley
Timothy Abbitt Sneed
Christopher Bruce Spain
Elizabeth Eakins St.Clair
Susan Dunlap Stackhouse
Derrick Lamont Stockton
Joshua Thomas Sullivan
John Davis Suther
Ashley Carol Sutton
Martin Van Buren Swindell
Sarah Casey Sylvester
Jennifer Lynn Thompson
Cindy Peek Tomberlin
Joshua Ray Turbeville
William Michael Utt
Christopher Allen Van Dyke
Rebecca Judy Vandevander
Vue Vang
David Oliver Vess
Faryal Mauladad Virk
Yan Wei
David Alan Wenciker
Mary Kelly Wetzel
Janet Lyn Whitley
Graham Matthew Wienke
Annie Pitts Williams
Latisha Yvette Willis
Carole Emily Wilson
Jeanne P. Womble

Robert Franklin Yoakum Jr
Ryan Hunter York

Manfred Ian Zech


Initial exam candidate Martin James Conley III submitted information regarding his criminal record. The Committee approved his application to take the Uniform CPA Exam.

PUBLIC HEARING: President Jones moved to convene the Public Hearing scheduled to hear Case No. 200103-011 and Case No. 200106-054, Jerry U. Britt, CPA. Jerry U. Britt and Robert N. Brooks were sworn in and presented testimony along with evidence presented by the Board's Legal Counsel. Messrs. Winstead and Jordan moved to enter Closed Session without Executive Staff and Legal Counsel to consider the matter. The Board re-entered the Public Hearing and Messrs. Jordan and Winstead moved to postpone any decision on the this matter until August 22, 2005, on the condition that Jerry U. Britt has completed his peer review and tax practice review and provided the review reports and his responses to the Board no later than August 15, 2005. Motion passed with six (6) affirmative votes and zero (0) negative votes.

ADJOURNMENT: Messrs. Gause and Cox moved to adjourn the meeting at 12:45 p.m. Motion passed.

Respectfully submitted:

Attested to by:



Robert N. Brooks
Executive Director



Leonard W. Jones, CPA
President

NORTH CAROLINA
WAKE COUNTY

BEFORE THE NORTH CAROLINA STATE BOARD OF
CERTIFIED PUBLIC ACCOUNTANT EXAMINERS

CASE #: 200503-026

IN THE MATTER OF:
Tom David Eilers, #4136
Respondent

CONSENT ORDER

THIS CAUSE, coming before the Board at its offices at 1101 Oberlin Road, Raleigh, Wake County, North Carolina, with a quorum present. Pursuant to NCGS 150B-41, the Board and Respondent stipulate the following Findings:

1. Respondent was the holder of North Carolina certificate number **4136** as a Certified Public Accountant.
2. On February 18, 2005, Respondent, pursuant to a plea agreement signed on the same day, pled guilty to one felony count of conspiracy to commit wire and mail fraud in violation of 18 U.S.C. Section 371.
3. As part of the plea agreement, Respondent admitted that in or about February 2000 continuing through June 2001 he willfully joined in the conspiracy knowing the "unlawful purpose of the agreement."
4. Under the plea agreement, the government agreed that Respondent's sentence, which could be a maximum of five (5) years, could be adjusted upward because of his use of "special skill" as a CPA in furtherance of the conspiracy, but that the sentence could be adjusted downward as a result of Respondent's "acceptance of responsibility."
5. Respondent also agreed to pay restitution in an amount to be set by the court, to pay a special assessment of \$100 at sentencing, and to pay a fine that may be assessed by the Court. Respondent further agreed to testify against other defendants if needed.
6. Respondent was previously represented by counsel but, with the knowledge of former counsel, has waived representation in this matter before the Board.
7. Respondent wishes to resolve this matter by consent and agrees that the Board staff and counsel may discuss this Order with the Board *ex parte*, whether or not the Board accepts this Order as written.

BASED upon the foregoing, the Board makes the following Conclusions of Law:

1. Respondent is subject to the provisions of Chapter 93 of the North Carolina General Statutes (NCGS) and Title 21, Chapter 8 of the North Carolina Administrative Code (NCAC), including the Rules of Professional Ethics and Conduct promulgated and adopted therein by the Board.
2. Respondent's actions as set out above constitute violations of NCGS 93-12 (9)a, b, and e and 21 NCAC 8N .0201, .0202, .0203, and .0204.

BASED on the foregoing and in lieu of further proceedings under 21 NCAC Chapter 8C, the Board and Respondent agree to the following Order:

1. The Certified Public Accountant certificate issued to Respondent, Tom David Eilers, is hereby permanently revoked.

CONSENTED TO THIS THE 27 DAY OF May, 2005.

Tom David Eilers
Respondent

APPROVED BY THE BOARD THIS THE 21st DAY OF June, 2005.

NORTH CAROLINA STATE BOARD OF CERTIFIED
PUBLIC ACCOUNTANT EXAMINERS

BOARD
SEAL

BY: Lemuel Jones
President